

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court  
Southern District of Texas**ENTERED**

Ziaunnisa K. Lodhi

Plaintiff,

*versus*Shah A. Haque, *et al.*,

Defendant.

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February 05, 2021

Nathan Ochsner, Clerk

Civil Action H-20-930

### Opinion on Dismissal

#### I. *Background.*

In 2013, Ziaunnisa Lodhi and Shah Haque married in New York. During the marriage, Haque transferred title of his Volkswagen to his daughter, Farhana.

In 2015, Haque filed for divorce in DeWitt County, Texas. The judge ordered that Lodhi could use Farhana's Volkswagen during the pendency of the divorce but must return the car when the divorce was over. The case was transferred to Harris County and dismissed on February 14, 2017.

After the case was dismissed, Lodhi kept the Volkswagen and filed for divorce in New York, Bexar County, and Harris County. Haque filed for divorce in Alaska.

On March 29, 2018, Lodhi parked the Volkswagen – she insists with no corroboration that it contained her purse, telephone, jewelry, and thousands of dollars in cash – at an H-E-B store in San Antonio. While Lodhi withdrew money from an ATM, Farhana opened the car and drove it to Haque's house in Houston.

On March 30, Lodhi arrived at Haque's house to recover the Volkswagen and the items she had left in the car. Lodhi says Haque and Farhana opened the door when she arrived, hit her, and shouted at her to leave. She called 911, but claims Farhana hid her purse, phone, jewelry, and cash in Haque's car before the

police arrived.

Lodhi invoked federal diversity jurisdiction and sued Haque and Farhana for negligence, battery, assault, and theft.

2. *Jurisdiction.*

To invoke federal diversity jurisdiction, Lodhi must establish the amount in controversy by a preponderance of the evidence. Nothing she has told the court supports her legal or damages claims.

Lodhi has focused on showing that she had lawful possession of the Volkswagen when Farhana recovered the car. She did not. Lodhi says that the judge in DeWitt County ordered that Lodhi would use the car during the pendency of the divorce, and Lodhi and Haque were not divorced when Farhana recovered the car. Lawful possession of the Volkswagen passed from Lodhi to Farhana when the DeWitt County case was transferred to Harris County and dismissed. The judge's order referred to the pendency of the divorce in DeWitt County, not in New York, Alaska, Bexar County, or Harris County.

In focusing on the Volkswagen, Lodhi has produced no evidence to support her negligence, battery, and assault claims. She has not pleaded a negligence claim, and she says that Haque and Farhana hit her, but has filed no photographs, medical records, or expenses.

No evidence indicates that Haque and Farhana "stole" her purse, phone, jewelry, and thousands of dollars in cash, nor do the facts support that she had these items in the car. Lodhi says that she stopped at a H-E-B store to withdraw money to buy lunch, despite having "thousands of dollars in cash" in the Volkswagen. Her list of "stolen" items has also expanded during this case and now includes a laptop and an iPad. Even if Lodhi left items in the Volkswagen, Farhana fulfilled her obligations as an involuntary bailee: Farhana packed these items, scheduled them, and arranged for Lodhi to reclaim them under the supervision of a Harris County police officer.

Lodhi's negligence, battery, assault, and theft claims fail. Because she has not shown that she suffered damages, she has not established the amount in

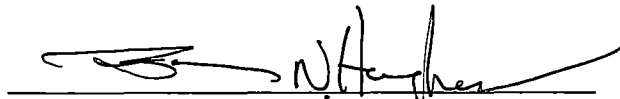
controversy by a preponderance of the evidence. This case will be dismissed for lack of jurisdiction.

3. *Conclusion.*

On May 29, 2018, Haque and Lodhi were finally divorced in Bexar County. In the decree, the trial court wrote that Lodhi filed for divorce in multiple jurisdictions to bolster her spousal support payments. The court ordered Lodhi to pay Haque's attorney's fees— \$45,000 with interest at the rate of five percent per year. The court also ordered Lodhi to pay Haque's attorney's fees if she unsuccessfully appealed the decree. Lodhi appealed to the Fourth Court of Appeals and the Texas Supreme Court. Both courts affirmed the trial court, and Lodhi now owes Haque more than \$80,000.

This case is another malicious use of process. It must stop. Lodhi's claims in this case will be dismissed for lack of jurisdiction, and she is forbidden to file anything else related to the divorce.

Signed on February 4, 2021, at Houston, Texas.

  
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Lynn N. Hughes  
United States District Judge